



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/657,595

09/08/2003

Ronald L. Mahany

14406US03

5619

23446 7590 01/04/2008  
MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO, IL 60661

EXAMINER

PEYTON, TAMMARA R

ART UNIT

PAPER NUMBER

2182

MAIL DATE

DELIVERY MODE

01/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MAILED

JAN 04 2008

TECHNOLOGY CENTER 2100

Gregory D. Leibold  
Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903

In re Application of:  
Ronald Mahany et al.  
Appl. No.: 10/657595  
Filed: September 8, 2003  
For: RADIO FREQUENCY LOCAL AREA NETWORK

DECISION ON PETITION  
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 7 November 2007, to expunge information submitted pursuant to MPEP § 724.05.

The petition is **DISMISSED**.

Petitioner requests that the information in six references, listed as Cite No. C27, C28, C29, C119, C120, and C431, submitted in an Information Disclosure Statement, filed June 3, 2006, be expunged from the record. Petitioner states that failure to obtain its return would cause irreparable harm to Applicant, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on June 3, 2006 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

The identified documents are currently not available for public view as of December 21, 2007. It is noted that the instant application has been published on April 21, 2005. Thus, the identified documents submitted on June 3, 2006 have already been made available to the public and subject to copying by the public. According, the Office cannot guarantee that the information being closed as a result of this decision was not previously accessed by the public.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.

Mano Padmanabhan, WQAS 2180

Technology Center 2100

Computer Architecture, Software, and Information Security